

ORDINANCE 4469

AN ORDINANCE AMENDING THE CITY OF HARTSVILLE CODE BY THE ADDITION OF CHAPTER 58 ARTICLE I “IN GENERAL” SECTION 58-6 “HATE INTIMIDATION”.

WHEREAS, the City of Hartsville, South Carolina (the “City”) is a municipal corporation of the State of South Carolina, located in Darlington County, South Carolina, and as such possesses all general powers granted to municipal corporations; and

WHEREAS, the State of South Carolina remains one of only two states nationwide to not adopt Hate Crime Legislation; and

WHEREAS, City Council recognizes and values the diverse characteristics of residents and visitors representing a multitude of races, colors, creeds, religions, ancestries, sexual orientations, genders, gender identities, physical and mental disabilities, and nationalities; and

WHEREAS, crimes motivated by hate or bias towards any person or persons, in whole or in part, because of their actual or perceived diverse characteristics causes severe harm to victims and is also divisive in communities and in the country as a whole, harming the public in addition to the individual harm to victims; and

WHEREAS, City Council desires to amend the current city code to add sections on hate intimidation; and

WHEREAS, these sections have been reviewed and are being considered as shown below.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the City of Hartsville that the Hartsville City Code is hereby amended by the addition of Chapter 58, Article I, Sections 58-6 “Hate Intimidation” to read as follows:

Chapter 58. Offenses and Miscellaneous Provisions.

Article I. In General.

Section 58-6 – Hate Intimidation

Sec. 58-6. Hate Intimidation.

(a) A person who violates Chapter 58 of the City of Hartsville Code of Ordinances, any act or omission which is prohibited or declared unlawful under the City of Hartsville Code of Ordinances, or any provision of State law within the municipal limits of the City of Hartsville with the intent to intimidate a person or persons, in whole or in part, because of the actual or perceived race, color, creed, religion, ancestry, gender, gender identity, sexual orientation, physical or mental disability, expression or national origin of any person is guilty of the separate offense of hate intimidation and shall be punished as provided in subsection (b) here within. Sentences shall run consecutive to one another unless the court specifies on the record good cause why they should run concurrently.

(b) Fines imposed under this section for contemporaneous or concurrent violations of this section shall be assessed for each violation.

(1) A violation of this section shall be a misdemeanor and punishable by a fine which shall be included in the City’s Master Fee Schedule which is on file in the City Clerk’s Office and/or by imprisonment for not more than thirty (30) days. The sentence imposed must be consecutive to the sentence for the underlying criminal offense unless the Court articulates on the record the reasons why the sentences should run concurrently.

(2) The Court may impose community service or participation in an educational program for violation of this section.

(3) Any sentence may be suspended upon completion by the defendant of appropriate education, counseling or community service employment as ordered by the Court.

(4) The Court may also designate all or part of the imposed fine be directed to the support of programs designed to combat bias based on ethnicity, national origin, color, religion, sexual orientation, gender and gender identity or physical or mental disability.

(c) Restitution authorized. In addition to the penalties provided for above, the Court may order restitution up to the limits of the Court's jurisdiction for damages sustained by the victim of this offense directly related to the commission of the crime which may include compensation for medical bills, counseling or therapy or damage to property sustained by the victim as a result of the underlying criminal offense.

(d) Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

(e) Repeal. Any other ordinance or any parts of this ordinance that conflict with this Ordinance are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

ORDAINED IN MEETING DULY ADVERTISED AND ASSEMBLED on the ____ day of _____ 2024 and to become effective immediately upon final reading.

Casey Hancock, Mayor

ATTEST: _____
Andrea D. Crenshaw, CMC, City Clerk

First Reading:
Public Hearing:
Final Reading: